

Remarks

The specification has been amended to correct the informality noted by the Examiner. Claims 2 and 9 also have been amended to delete the language deemed to lack an antecedent basis.

Each of the claims has been rejected under 35 U.S.C. 102 as being anticipated by Heiple et al. Since an anticipated rejection requires that a cited reference disclose each of the recited elements of the claim, reconsideration of such rejection is requested in view of the following remarks.

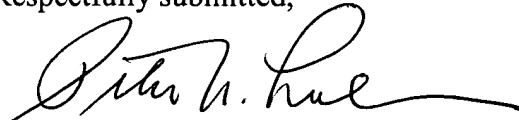
Each of the rejected claims recites means for detachably latching the arm member in the inoperative position including one of the dipper stick and the arm member having at least one recess and the other of the dipper stick and the arm member having a yieldably biased protuberance receivable in such recess when the arm member is in the inoperative position. With respect to Heiple et al, it is submitted that such reference does not disclose at least one recess in which a yieldably biased protuberance may be received for detachably securing an arm member to a dipper stick. Element 41 cited by the Examiner as being a recess is not in fact a recess but a transversely disposed trip plate provided on the end of the arm member which projects slightly beyond the end of the arm member and is engageable with bracket 31 when the arm member is disposed in the storage position adjacent the underside of the handle. In this regard, the Examiner's attention is invited to column 3, lines 5 through 11 of the specification. Heiple et al neither discloses nor teaches one of the arm member and dipper stick having a recess and the other thereof having a yieldable protuberance yieldably receivable within such protuberance for latching an arm member to a dipper stick but instead merely a biased, pivotable latch which may be tripped by a trip plate to detachably secure an arm member to a dipper stick. It further is

indicated that Heiple et al fails to disclose latching means including a bracket mounted on the underside of a dipper stick having a pair of outwardly, yieldably biased protuberances, and surfaces on an arm member provided with recesses registrable with such protuberances when the arm member is in the operative position as recited in claims 5 and 12.

In the filing receipt with respect to the subject application, dated May 19, 2004, the Applicant's name has been designated as John W. Clapper, JR, which should have been designated as John W. Clapper, Jr. Correction of such designation is requested.

In view of the foregoing amendments and remarks, it respectfully is requested that the rejection of claims 1 through 16 be withdrawn such claims be allowed and that the application be passed to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter N. Lalos", with a long horizontal flourish extending to the right.

Peter N. Lalos
Registration No. 19, 789
STEVENS, DAVIS, MILLER & MOSHER, LLP
1615 L Street, N.W., Suite 850
Washington, DC 20036-5622
Telephone: 202-785-0100

PNL/cb
October 27, 2004